

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 22-12786</b>
<b>Hugo Acuna</b>	:	<b>Chapter 13</b>
	:	<b>Judge Ashely M. Chan</b>
<b>Debtor(s)</b>	:	<b>*****</b>
	:	
<b>Wells Fargo Bank, N.A., d/b/a Wells</b>	:	<b>Date and Time of Hearing</b>
<b>Fargo Auto</b>	:	<b>Place of Hearing</b>
	:	<b>December 5, 2023 at 11:00 a.m.</b>
<b>vs</b>	:	
	:	<b>U.S. Bankruptcy Court</b>
<b>Hugo Acuna</b>	:	<b>900 Market Street, Suite 400, Courtroom #4</b>
<b>Kenneth E. West</b>	:	<b>Philadelphia, PA, 19107</b>
<b>Respondents.</b>	:	

**MOTION OF WELLS FARGO BANK, N.A., D/B/A WELLS FARGO AUTO FOR  
RELIEF FROM THE AUTOMATIC STAY REGARDING THE PERSONAL  
PROPERTY KNOWN AS 2016 DODGE TR RAM 1500, VIN 3C6JR7DG8GG352931**

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. § 362 and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On September 8, 2016, Hugo Acuna (the "Debtor") obtained a loan from Wells Fargo Dealer Services Inc, or its predecessor-in-interest, in the amount of \$34,315.26 for the purchase of a 2016 Dodge TR Ram 1500 VIN 3C6JR7DG8GG352931 ("Collateral"). Debtor agreed to make periodic payments to Wells Fargo Dealer Services Inc, or its predecessor-in-interest. Such loan was evidenced by a Retail Installment Sale Contract Simple Finance Charge (the "Contract"), a copy of which is attached hereto as Exhibit A.
6. To secure payment of the Contract, Debtor delivered the Certificate of Title for a Vehicle to the Collateral to Creditor or Creditor's predecessor-in-interest. On or about October 21, 2016, Creditor or Creditor's predecessor-in-interest perfected its security interest in the Collateral by delivering the Certificate of Title for a Vehicle along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the electronic title inquiry is attached hereto as Exhibit B (the "Title").
7. Creditor believes the clean retail value of the Collateral is \$16,825.00 based upon the J.D. Power Used Cars/Trucks valuation, a copy of which is attached hereto as Exhibit C.
8. On October 18, 2022, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Petition").
9. Debtor's Chapter 13 Plan calls for the Debtor to retain the Vehicle.

10. The loan matured on June 8, 2023. Pursuant to the terms of the contract, the full balance is due upon maturity. As of October 11, 2023, there is currently due and owing on the Contract the outstanding principal balance of \$8,859.60, plus interest accruing thereon at the rate of 0.00% per annum. This amount is broken down as follows:

<b>Total Loan Balance</b>	
<b>Description</b>	<b>Amount</b>
Principal	\$8,859.60
Interest	\$223.09
Escrow advance	\$0.00
Late charges	\$98.44
Other Fees	\$0.00
Less Contractual Suspense Funds	\$(0.00)
Total: \$9,181.13	

11. Creditor charged the loan off on December 7, 2022, therefore, the total loan balance is now due.
12. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the Collateral.
13. Creditor is entitled to relief from the automatic stay for the following reason(s):
- Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor's failure to make payments when due.

WHEREFORE, Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto respectfully requests this Honorable Court to enter an order terminating the Automatic stay as it affects the interests of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto in the Collateral, and granting such other relief as this Honorable Court may deem just. Creditor further requests that Rule 4001(a)(3) be waived so that an Order Granting Relief from the Automatic Stay will take immediate effect.

Respectfully submitted,

/s/Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)

Adam B. Hall (323867)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Alyk L. Oflazian.

Contact email is

ALOflazian@manleydeas.com

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<b>Respondents.</b>	:	

**CERTIFICATE OF SERVICE**

I certify that on the date of filing, a copy of the foregoing Motion of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto for Relief from the Automatic Stay regarding the Personal Property known as 2016 Dodge TR Ram 1500, VIN 3C6JR7DG8GG352931 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Hugo Acuna, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Hugo Acuna, 2661 Shady Lane, Pottstown, PA 19464

\_\_\_\_\_  
/s/Alyk L. Oflazian